

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-15 remain pending in the present application. No new matter has been added.

By way of summary, the Office Action presented the following issues: the Office objected to Claim 14 under 37 C.F.R. § 1.75(d)(1); Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph, as claiming both an apparatus and the method steps of using the apparatus; Claims 1-6, 8-13, and 15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Goodman et al. (U.S. Patent No. 6,928,433 B2, hereinafter “Goodman”); and Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as obvious over Goodman in view of Jennery et al. (U.S. Patent Application Publ’n No. 2003/0105847 A1, hereinafter “Jennery”).

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant and Applicant’s representative wish to thank Examiner Pham for the courtesy of the personal interview granted on September 15, 2009. During the interview, amendments clarifying the claims over Goodman were discussed. Claim amendments and comments similar to those presented during the interview are included herein.

CLAIM OBJECTION

The Office objected to Claim 14 under 37 C.F.R. § 1.75(d)(1) as having an unclear antecedent basis. Claim 14 depends from Claim 8, which recites, in part, “acquiring . . . content IDs of the contents already transferred from *an information processing apparatus*” It is respectfully submitted that Claim 14’s recitation of “said information processing apparatus” finds antecedent basis in Claim 8. Accordingly, Applicant respectfully requests the withdrawal of the objection to Claim 14.

REJECTIONS UNDER 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph, as claiming both an apparatus and the method steps of using the apparatus. As previously noted, Claim 15 does not recite a method of using the claimed storage medium. Thus, Claim 15 is not directed to both a product and a process of its use.

Further, the Office Action asserted that Claim 15 does not have the formality of a tangible storage medium.¹ In this regard, it is noted that independent Claim 15 recites “A computer-readable, *tangible, storage medium*” It is unclear to Applicant how Claim 15 allegedly does not have the formality of a tangible storage medium.

Applicant respectfully requests the withdrawal of the rejection of Claim 15 under 35 U.S.C. § 112, second paragraph.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-6, 8-13, and 15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Goodman. In light of the several grounds of rejection on the merits, independent Claims 1, 8, and 15 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 recites an information processing apparatus, including, in part, “a data processor . . . , said data processor being further configured to compare the content IDs of the transferred contents with the content IDs of said contents stored in said memory” Applicant respectfully submits that Goodman fails to disclose or suggest that feature.

Goodman concerns a “user interface for a small portable music player.”² According to Goodman, when the portable music player “is coupled to host system 302, a user of host

¹ Office Action at 4, ll. 20-21.

² Goodman, col. 2, ll. 6-7.

system 302 can launch a bridge interface to allow for the transfer of files between [the portable music player] and host system 302.”³

That is, Goodman merely describes transferring files between the portable music player and the host system. It is respectfully submitted that Goodman fails to disclose or suggest the feature of “said data processor being further configured to compare the content IDs of the transferred contents with the content IDs of said contents stored in said memory,” as recited in Claim 1.

The Office has additionally cited to Goodman for its “search retrieval queries to populate playlist with Fig. 8”⁴ The Office explains that “a play list and search retrieval query to populate playlist necessarily and always involves comparison.”⁵

Even assuming that a playlist and search retrieval query involves a comparison, the Goodman playlist and search retrieval query can be performed without regard for files transferred from the host system. It is respectfully submitted that Goodman fails to disclose or suggest the feature of “said data processor being further configured to compare the content IDs of the transferred contents with the content IDs of said contents stored in said memory,” as recited in Claim 1.

Accordingly, it is respectfully submitted that independent Claim 1 (and all associated dependent claims) patentably distinguishes over Goodman.

It is further submitted that independent Claims 8 and 15 are allowable for the same reasons as discussed above with regard to Claim 1 and for the more detailed features presented by those claims.

³ Id., col. 11, ll. 29-31.

⁴ Office Action at 4, ll. 2-3.

⁵ Advisory Action at 2, l. 12.

It is additionally submitted that Jennery fails to remedy the above-noted deficiencies in Goodman. Accordingly, it is respectfully submitted that the rejection of dependent Claims 7 and 14 is moot.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the cited art and is in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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